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Practitioner's Docket No. 1062/D73

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Dale et al.

Application No.: 10/697,176 Group No.: 3746
Filed: 10/30/2003 Examiner: Not yet assigned
For: System and Method for Pumping Fluid Using a Pump Cassette

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
WITHIN THREE MONTHS OF FILING OR
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
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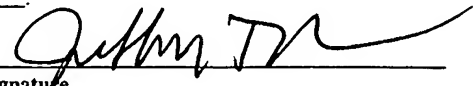
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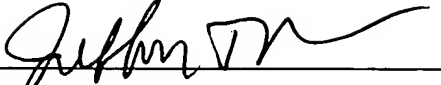

Signature

Date: July 27, 2004

Jeffrey T. Klayman
(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

DATE: July 27, 2004



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01062/00D73 323600.1



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For: System and Method for Pumping Fluid Using a Pump Cassette

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P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant:

- (1) Within three months of the filing date of a national application;*
- (2) Within three months of the date of entry of the national stage as set forth in section 1.491 in an international application; or*

(Information Disclosure Statement--page 1 of 9)

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

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☒ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10*

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☐ as "Express Mail Post Office to Addressee"

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TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Date: July 27, 2004

Jeffrey T. Klayman

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b).

"Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable C.F.R.e, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(3) Before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. section 1.97(b).

NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. section 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. section 1.56(c).

NOTE: The "duty as described in section 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by sections 1.97(b) - (d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13-25 at 17.

WARNING: "No information disclosure statement may be filed in a provisional application." 37 C.F.R. section 1.51(b).

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement: disC.F.R.d unused sections and number pages consecutively)

1. ☒ Preliminary Statements
2. ☒ Forms PTO/SB/08A and 08B (substitute for Form PTO-1449)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☐ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☐ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
 - 7A. ☐ EPO Search Report
 - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

(complete the following, if appropriate)

Sections _____, respectively, have been continued on ADDED PAGE(S).

NOTE : "Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

Section 1. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

SECTION 2. FORMS PTO/SB/08A and 08B (formerly Form PTO-1449)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Dale et al. Attorney Docket: 1062/D73
Serial No: 10/697,176 Art Group Unit: 3746
Date Filed: 10/30/2003 Examiner Name: Not yet assigned
Invention: System and Method for Pumping Fluid Using a Pump Cassette

**LIST OF PATENTS AND PUBLICATIONS FOR
APPLICANT'S INFORMATION DISCLOSURE STATEMENT**

U.S. PATENT DOCUMENTS					
Examiner Initials	Reference Number	Document Number	Issue Date	Inventor	Class/Subclass
	AA	1792906	1931/02	Heilos	251/209
	AB	2313551	1943/03	Hurlbut	417/387
	AC	2526017	1950/10	Figg	251/209
	AD	2703055	1955/03	Veth et. al.	417/205
	AE	2902253	1959/09	Page	251/209
	AF	3048121	1962/08	Sheesley	417/394
	AG	3540694	1970/11	Cornelius	251/209
	AH	3570486	1971/03	Engelsher et. al.	128/218
	AI	3722858	1973/03	Sugimoto et. al.	251/209
	AK	3727882	1973/04	Burris et. al.	251/209
	AL	3814548	1974/06	Rupp	417/395
	AM	4072934	1978/02	Hiller et. al.	340/243
	AN	4212589	1980/07	Bosio	417/012
	AO	4230300	1980/10	Wiltse	251/205
	AP	4247018	1981/01	Credle	222/001
	AQ	4431425	1984/02	Thompson et. al.	604/246
	AR	4468219	1984/08	George et. al.	604/067
	AS	4479760	1984/10	Bilstad et. al.	417/375
	AT	4479761	1984/10	Bilstad et. al.	417/395
	AU	4479762	1984/10	Bilstad et. al.	417/395
	AV	4576211	1986/03	Valentini et. al.	141/329
	AW	4634430	1987/01	Polaschegg	604/141
	AX	4648868	1987/03	Hardwick et. al.	604/032
	AY	4662540	1987/05	Schroter	222/055
	AZ	4667927	1987/05	Oscarsson	251/209
	BA	4696671	1987/09	Epstein et. al.	604/067
	BB	4721138	1988/01	Simonazzi	141/150
	BC	4778451	1988/10	Kamen	604/067

Examiner Initials	Reference Number	Document Number	Issue Date	Inventor	Class/Subclass
	BD	4804366	1989/02	Zdeb et. al.	604/085
	BE	4807660	1989/02	Aslanian	137/382
	BF	4808161	1989/02	Kamen	604/067
	BG	4818186	1989/04	Pastrone et. al.	417/063
	BH	4826482	1989/05	Kamen	604/067
	BI	4828543	1989/05	Weiss et. al.	604/609
	BJ	4833922	1989/05	Frick et. al.	073/756
	BK	4850978	1989/07	Dudar et. al.	604/201
	BL	4855714	1989/08	Clarkson et. al.	340/521
	BM	4925444	1990/05	Orkin et. al.	604/250
	BN	4976162	1990/12	Kamen	073/865.9
	BO	5005604	1991/04	Aslanian	137/556
	BP	5006050	1991/04	Cooke et. al.	417/478
	BQ	5045068	1991/09	Kawai et. al.	604/246
	BR	5051922	1991/09	Toral et. al.	364/510
	BS	5062774	1991/11	Kramer et. al.	417/413
	BT	5069792	1991/12	Prince et. al.	210/627
	BU	5088515	1992/02	Kamen	137/015
	BV	5098262	1992/03	Wecker et. al.	417/479
	BW	5113904	1992/05	Aslanian	137/556
	BX	5116316	1992/05	Sertic et. al.	604/083
	BY	5122116	1992/06	Kriesel et. al.	604/089
	BZ	5146414	1992/09	McKown et. al.	364/510
	CA	5156186	1992/10	Manska	137/556
	CB	5178182	1993/01	Kamen	137/454.2
	CC	5255072	1993/10	Mikasa et. al.	356/432
	CD	5272646	1993/12	Farmer	364/509
	CE	5279504	1994/01	Williams	417/395
	CF	5292306	1994/03	Wynkoop et. al.	604/051
	CG	5302093	1994/04	Owens et. al.	417/474
	CH	5325884	1994/07	Mirel et. al.	137/110
	CI	5330426	1994/07	Kriesel et. al.	604/089
	CJ	5336053	1994/08	Wynkoop	417/053
	CK	5350357	1994/09	Kamen et. al.	604/029
	CL	5351686	1994/10	Steuer et. al.	600/310
	CM	5355890	1994/10	Aguirre et. al.	128/680
	CN	5378126	1995/01	Abrahamson et. al.	417/479
	CO	5384714	1995/01	Kidd	702/051
	CP	5385540	1995/01	Abbott et. al.	604/004
	CQ	5401059	1995/03	Ferrario	283/067
	CR	5408420	1995/04	Slocum et. al.	702/051
	CS	5411472	1995/05	Steg et. al.	604/004
	CT	5421823	1995/06	Kamen et. al.	604/028

Examiner Initials	Reference Number	Document Number	Issue Date	Inventor	Class/Subclass
	CU	5423738	1995/06	Robinson et. al.	604/601
	CV	5428527	1995/06	Niemi	364/152
	CW	5429485	1995/07	Dodge	417/442
	CX	5431626	1995/07	Bryant et. al.	604/065
	CY	5438510	1995/08	Bryant et. al.	364/413.11
	CZ	5439355	1995/08	Jimison et. al.	417/063
	DA	5463228	1995/10	Krause	250/577
	DB	5474683	1995/12	Bryant et. al.	210/646
	DC	5478337	1995/12	Okamoto et. al.	604/413
	DD	5558255	1996/09	Sancoff et. al.	222/189.06
	DE	5575310	1996/11	Kamen et. al.	137/614.11
	DF	5578012	1996/11	Kamen et. al.	604/151
	DG	5579244	1996/11	Brown	364/558
	DH	5584671	1996/12	Schweitzer Jr. et. al.	417/298
	DI	5588816	1996/12	Abbott et. al.	417/479
	DJ	5593290	1997/01	Greisch et. al.	417/478
	DK	5628908	1997/05	Kamen et. al.	210/646
	DL	5634896	1997/06	Bryant et. al.	604/029
	DM	5649810	1997/07	Schweitzer Jr. et. al.	417/298
	DN	5651775	1997/07	Walker et. al.	604/207
	DO	5681285	1997/10	Ford et. al.	604/151
	DP	5713865	1998/02	Manning et. al.	604/122
	DQ	5716343	1998/02	Kriesel et. al.	604/132
	DR	5755683	1998/05	Houle et. al.	604/030
	DS	5776103	1998/07	Kriesel et. al.	604/132
	DT	5795328	1998/08	Barnitz et. al.	604/067
	DU	5808181	1998/09	Wamsiedler et. al.	210/646
	DV	5816779	1998/10	Lawless et. al.	417/063
	DW	5837905	1998/11	Strauss et. al.	073/861.63
	DX	5868162	1999/02	Dickerson Jr.	137/557
	DY	5879328	1999/03	Holmberg et. al.	604/082
	DZ	5883299	1999/03	Green et. al.	417/063
	EA	5935105	1999/08	Manning et. al.	604/122
	EB	5938634	1999/08	Packard	604/029
	EC	5965821	1999/10	Grudzien	073/724
	ED	5989423	1999/11	Kamen et. al.	210/258
	EE	6022483	2000/02	Aral	216/059
	EF	6041801	2000/03	Gray et. al.	137/14
	EG	6065941	2000/05	Gray et. al.	417/63
	EH	6070761	2002/06	Bloom et. al.	222/81
	EI	6210361	2001/04	Kamen et. al.	604/082
	EJ	6223130	2001/04	Gray et. al.	702/051
	EK	6234997	2001/05	Kamen et. al.	604/131

	EL	6302653	2001/10	Bryant et. al.	417/53
Examiner Initials	Reference Number	Document Number	Issue Date	Inventor	Class/Subclass
	EM	6364857	2002/04	Gray et. al.	604/153
	EN	6382923	2002/05	Gray	417/053
	EO	6416293	2002/07	Bouchard et. al.	417/53
	EP	6464667	2002/10	Kamen et. al.	604/131
	EQ	6485263	2002/11	Bryant et. al.	417/53
	ER	6503062	2003/01	Gray et. al.	417/53
	ES	6520747	2003/02	Gray et.al.	417/63
	ET	6604908	2003/04	Bryant et. al.	417/26
	EU	6663359	2003/12	Gray et.al.	417/383
	EV	D350823	1994/09	Lanigan	D24/111
	EW	6343614	2002/02	Gray et al.	137/14
	EX	5197787	1993/03	Matsuda et al.	303/10
	EY	5167837A1	1989/03	Snodgrass et al.	210767

Examiner Signature: _____

Date Considered: _____

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation *if not* in conformance and not considered. Include copy of this form with next communication to applicant.

Section 6. Copies of Listed Information Items Accompanying This Statement

NOTE: 37 C.F.R. section 1.98(a)(2) requires that any information disclosure statement filed under section 1.97 shall include: "A legible copy of: (i) Each U.S. and foreign patent; (ii) Each publication or that portion which caused it to be listed; and (iii) All other information or that portion which caused it to be listed, except that no copy of a U.S. patent application need be included . . ."

NOTE: The wording in section 1.98(a)(2)(iii) makes it clear that the requirement to submit a copy of each item of information listed in an information disclosure statement does not apply to the citation of a U.S. patent application. Notice of January 9, 1992, 1135 O.G. 13-25, at 14.

Legible copies of all items listed in Forms PTO/SB/08A and 08B (substitute for Form PTO-1449) accompany this information statement.

(complete the following, if applicable)

☒ Exception(s) to above:

☐ Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.

☐ Cumulative patents or publications identified in Section 5.

U.S. patent citations are not included pursuant to 37 CFR 1.98 9(a)(2)(i) and 37 CFR 1.491(b), in which the USPTO waived the requirement for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC § 371 after June 30, 2003.

Section 10. Identification of Person(s) Making This Information Disclosure Statement

The person making this certification is

(check each applicable item)

- (a) ☐ the inventor(s) who signs below

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

- (b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. section 1.56(c))

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

- (c) ☒ the practitioner who signs below on the basis of the information:

(check each applicable item)

☐ supplied by the inventor(s).

☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. section 1.56(c)).

☒ in the practitioner's file.

Reg. No.: 39,250

Tel. No.: (617) 443-9292

Customer No.: 002101

01062/00D73 323585.1



SIGNATURE OF PRACTITIONER

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(type or print name of practitioner)

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